## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

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SHAR PADGETT HANULCIKOVA,	)
Plaintiff(s),	2:08-cv-1662-RLH-PAL
VS.	ORDER (Motion for Remand–#6)
THOMAS L. EISENMAN, et al.,	
Defendant(s).	)

Before the Court is Plaintiff's Motion for Remand (#6, filed December 2, 2008). No response or opposition has been filed.

Local Rule 7-2(d) provides that failure to file points and authorities in opposition to a motion constitutes a consent that the motion be granted. *Abbott v. United Venture Capitol, Inc.* 718 F.Supp. 828, 831 (D. Nev. 1989). It has been said these local rules, no less than the federal rules or acts of Congress, have the force of law. *United States v. Hvass*, 355 U.S. 570, 574-575 (1958); *Weil v. Neary*, 278 U.S. 160, 169 (1929); *Marshall v. Gates*, 44 F.3d 722, 723 (9<sup>th</sup> Cir. 1995). Accordingly, Defendants have consented to the Motion.

Furthermore, in this personal injury–automobile accident case, the Defendants are citizens of the State of Nevada. Title 28 U.S.C. § 1441(b) permits removal only "if none of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought." Accordingly, removal was improper and this matter must be remanded.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Remand (#6) is GRANTED and this matter is remanded to the state court from whence it came.

Dated: February 24, 2009.

Roger L. Hunt

Chief Upited States District Judge